

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK**

NEW YORK STATE RIFLE & PISTOL	)	
ASSOCIATION, INC., <i>et al.</i> ,	)	
	)	
<i>Plaintiffs,</i>	)	
	)	Civil Action No. 18-cv-134-BKS-ATB
v.	)	
	)	
GEORGE P. BEACH II, <i>et al.</i> ,	)	
	)	
<i>Defendants.</i>	)	

**AFFIDAVIT OF JOHN D. OHLENDORF**

I, John D. Ohlendorf, being duly sworn, hereby depose and state as follows:

1. I am a citizen of the United States and a resident and citizen of Virginia. I am over the age of 18, competent to testify, and I make this affidavit upon personal knowledge.

2. I am appearing in the above-captioned action *pro hac vice*, by leave of the Court, as an attorney for the Plaintiffs.

3. Plaintiffs New York State Rifle and Pistol Association, Inc. ("NYSRPA") and Robert Nash brought this suit on February 1, 2018, to challenge New York's restrictions on the right to carry firearms in public.

4. The Defendants moved to dismiss the Complaint on March 26, and the Parties have recently completed briefing that motion.

5. In the accompanying motion, Plaintiffs seek leave to amend their Complaint to add an additional plaintiff, Brandon Koch. As shown in the proposed Amended Complaint, which is attached to Plaintiffs' motion as Attachment A, Mr. Koch alleges facts that are substantively identical to those alleged by the current individual Plaintiff, Robert Nash.

6. Also attached to Plaintiffs' motion, as Attachment B, is a true and correct redline showing the changes that Plaintiffs are requesting permission to make to their Complaint.

7. On May 2, 2018, I reached out to Defendants' counsel of record, Kelly L. Munkwitz, to inform her of our intent to seek leave to amend our Complaint and to ask Defendants' position on that request. Ms. Munkwitz authorized me to represent that Defendants do not oppose Plaintiffs' motion for leave to amend.

8. Given the substantive identity between Mr. Koch's allegations and claims and those in the original Complaint, Plaintiffs submit that the pending Motion to Dismiss and accompanying briefs would apply to the Amended Complaint to the same extent as the current operative Complaint.

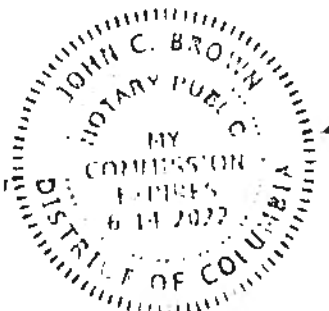
  
\_\_\_\_\_  
John D. Ohlendorf

Subscribed and sworn before me this 15th day of May, 2018.

  
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NOTARY PUBLIC

John C. Brown  
Notary Public, District of Columbia  
My Commission Expires 6/14/2022

(SEAL)



**CERTIFICATE OF SERVICE**

I hereby certify that on May 15, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will cause a copy of the document to be served electronically on all parties or their counsel.

s/ Kathleen McCaffrey Baynes

Kathleen McCaffrey Baynes

*Attorney for Plaintiffs*